

REMARKS

The present application has been reviewed in light of the Office Action dated May 11, 2010. Claims 1, 2, and 5-8 are presented for examination, of which Claims 1, 5, and 8 are in independent form. Claims 1, 5, and 8 have been amended purely as to matters of form and not to overcome any of the rejections presented in the Office Action.

The Office Action states that Claims 1, 2, and 5-8 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application Publication No. 2005/0190431 (Matsuda). Applicants respectfully traverse the rejections and submit that Matsuda is not prior art to the claims of the present application.

More specifically, the present application is a national-stage entry of International Application No. PCT/JP2005/010630, and claims the benefit of foreign priority of Japanese Applications Nos. 167723/2004 and 147530 filed on June 4, 2004, and May 20, 2005, respectively. Certified copies of the Japanese priority applications were submitted in connection with the International Application.

Matsuda has a filing date of January 25, 2005, i.e., Matsuda's effective date as a prior-art reference is January 25, 2005.

Submitted herewith is a sworn English translation of Japanese Application No. 167723/2004 filed on June 4, 2004, which is before Matsuda's effective date as a prior-art reference. Applicants respectfully submit that this priority application supports the claims of the present application. As such, it is respectfully submitted that Matsuda may not be used to reject the claims of the present application.

Accordingly, withdrawal of the rejections of Claims 1, 2, and 5-8 in view of Matsuda is respectfully requested.

This Amendment After Final Action is believed clearly to place the present application in condition for allowance. Therefore, entry of this Amendment under 37 C.F.R. § 1.116 is believed proper and is respectfully requested, as an earnest effort to advance prosecution and reduce the number of issues. Should the Examiner believe that issues remain outstanding, it is respectfully requested that the Examiner contact Applicants' undersigned attorney in an effort to resolve such issues and advance the case to issue.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and an early passage to issue of the present application.

No petition to extend the time for response to the Office Action is deemed necessary for this Amendment. If, however, such a petition is required to make this Amendment timely filed, then this paper should be considered such a petition and the Commissioner is authorized to charge the requisite petition fee to Deposit Account 50-3939.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should be directed to our address listed below.

Respectfully submitted,

/Lock See Yu-Jahnes/

Lock See Yu-Jahnes
Attorney for Applicants
Registration No. 38,667

FITZPATRICK, CELLA, HARPER & SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Facsimile: (212) 218-2200